

all Commission requirements that apply to U.S.-licensed satellites before we will authorize it to provide service in the United States.<sup>686</sup>

287. The second procedure is applicable in cases where the non-U.S.-licensed satellite operator seeks immediate access to the U.S. market through an in-orbit satellite, and has initiated international coordination negotiations for that satellite network pursuant to the International Telecommunication Union's (ITU's) international Radio Regulations.<sup>687</sup> Under this procedure, a prospective U.S. earth station operator seeking to communicate with the in-orbit non-U.S.-licensed space station must file an application for an initial earth station license or a modification of an existing license, listing the non-U.S.-licensed space station as a "point of communication," and demonstrating that the space station meets all applicable Commission requirements.<sup>688</sup>

288. Under both of these procedures, each request for initial U.S. market access must contain the information required in Section 25.114 of the Commission's rules, which governs applications for space station authorizations, with two exceptions.<sup>689</sup> The Commission does not require the non-U.S.-licensed space station operator to submit technical information if it has completed the international coordination process, or to submit financial information if the satellite has been launched.<sup>690</sup>

289. In the *Notice*, the Commission proposed to modify the procedures and information requirements applicable to operators of non-U.S.-licensed satellites seeking access to the U.S. market, to make them consistent with any revisions to the procedures for U.S.-licensed satellites that the Commission might adopt in this proceeding.<sup>691</sup> The Commission also proposed additional rule revisions to clarify the information requirements of non-U.S.-licensed satellite operators seeking access to the U.S. market.<sup>692</sup> We address these issues below.

## B. Revision of Framework

### 1. NGSO-Like Satellites

290. *Background.* In the *Notice*, the Commission stated that, in the event that it continued to use processing rounds as a vehicle for licensing, it would not need to modify the current Letter of Intent procedure.<sup>693</sup> As we explained above, we have adopted a modified

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<sup>686</sup> *DISCO II*, 12 FCC Rcd at 24173-74 (paras. 184-85, 188).

<sup>687</sup> *DISCO II*, 12 FCC Rcd at 24174 (para. 186).

<sup>688</sup> *See generally* 47 C.F.R. § 25.137.

<sup>689</sup> *See generally* 47 C.F.R. § 25.137; *DISCO II*, 12 FCC Rcd at 24174 (para. 188).

<sup>690</sup> *See* 47 C.F.R. § 25.137(b); *DISCO II*, 12 FCC Rcd at 24175-76 (para. 191).

<sup>691</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3890 (para. 125).

<sup>692</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3890 (para. 125).

<sup>693</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3890 (para. 126).

processing round procedure for NGSO-like systems that awards licenses by dividing the available spectrum evenly among the qualified applicants.<sup>694</sup>

291. *Discussion.* We will continue to treat Letters of Intent filed by non-U.S.-licensed NGSO-like system operators as we have in the past. That is, a Letter of Intent will be treated as a request for reservation of spectrum in a processing round.<sup>695</sup> If authorized to serve the United States, the foreign system will be allowed to provide service in the United States using 1/n of the available spectrum, just as U.S.-licensed satellite operators in that processing round.

## 2. GSO-Like Satellites

292. *Background.* The Commission also solicited comment on treating Letters of Intent and earth station applications for authority to access a non-U.S.-licensed satellite as a satellite application for purposes of determining priority in the queue, in the event that we adopt a first-come, first-served procedure.<sup>696</sup> In other words, Letters of Intent and earth station applications would be placed in the queue together with U.S. applications, and considered at the time the Letter of Intent or earth station application reaches the head of the queue.

293. *Discussion.* Telesat maintains that foreign entities seeking to operate GSO-like satellites in the United States should not be required to file Letters of Intent. Rather, because the U.S. licensing process does not supercede the ITU date priority process, Telesat argues that the only relevant issue should be whether the non-U.S.-licensed satellite operator has ITU date priority.<sup>697</sup> If the foreign satellite has ITU date priority, a U.S. operator seeking to operate in the same bands will not be able to coordinate with the foreign-licensed system and will therefore be unable to operate in any event. Telesat argues that we should allow non-U.S.-licensed satellite operators to provide service in the United States upon a showing of (1) a valid authorization from another administration; (2) the applicable ITU filings, and (3) a list of the relevant coordination agreements.<sup>698</sup>

294. We disagree that we should change the methods by which foreign satellite operators request U.S. access for their GSO-like satellites as Telesat suggests. Letters of Intent or earth station applications will continue to be the vehicle for non-U.S.-licensed satellite operators to request access to the United States. These vehicles provide information needed to address issues such as spectrum availability,<sup>699</sup> and compliance with U.S. technical requirements.<sup>700</sup> In other proceedings, we have considered and rejected arguments that obtaining a satellite license from another administration is sufficient to show that the satellite system will comply with U.S.

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<sup>694</sup> Section V. above.

<sup>695</sup> *DISCO II Order*, 12 FCC Rcd at 24173-74 (para. 185).

<sup>696</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3890 (para. 126).

<sup>697</sup> Telesat Comments at 4; Telesat Reply at 2-3.

<sup>698</sup> Telesat Comments at 6.

<sup>699</sup> *DISCO II*, 12 FCC Rcd at 24158-59 (paras. 147-50).

<sup>700</sup> *DISCO II*, 12 FCC Rcd at 24161-63 (paras. 154-59).

technical requirements.<sup>701</sup> Here, we conclude that ITU date priority is also not sufficient to show that a non-U.S.-licensed satellite operator will meet all the public interest factors we weigh when evaluating requests for access to the U.S. satellite market. Given that we will continue to consider public interest factors in reviewing requests for market access, we must determine the procedures for reviewing Letters of Intent in conjunction with the first-come, first-served procedure for GSO-like satellite applications we adopt in this Order. We conclude that Letters of Intent should be treated the same as satellite applications. This is consistent with our WTO commitments to treat non-U.S. satellite operators no less favorably than we treat U.S. satellite operators.

295. In addition, the first-come, first-served procedure we adopt today affords sufficient opportunity to address ITU priority issues.<sup>702</sup> Moreover, ITU date priority does not preclude us from licensing the operator of a U.S.-licensed GSO satellite on a temporary basis pending launch and operation of a satellite with higher priority in cases where the non-U.S.-licensed satellite has not been launched yet.<sup>703</sup> When we have authorized a U.S. licensee to operate at an orbit location at which another Administration has ITU priority, we have issued the license subject to the outcome of the international coordination process, and emphasized that the Commission is not responsible for the success or failure of the required international coordination.<sup>704</sup>

296. Furthermore, in the first-come, first-served procedure, when considering requests for U.S. market access from two or more non-U.S.-licensed satellite operators licensed by different Administrations, we will continue to take into account the impact of the ITU coordination process. Under the ITU's international Radio Regulations, it is the responsibility of Administrations with lower ITU priority to coordinate their networks with the networks of Administrations with higher priority. In the event that a non-U.S.-licensed satellite operator is authorized to provide service in the United States, and that network is "affected," within the meaning of the ITU's international Radio Regulations, by a satellite network with lower priority seeking access to the U.S. market, we would permit the lower priority network to access the U.S. market if the higher priority satellite has not been launched. In that case, the lower priority satellite would be authorized to access the U.S. market subject to proof of coordination with the higher priority satellite. Absent such a demonstration, the lower priority satellite would be required to cease service to the U.S. market immediately upon launch and operation of the higher

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<sup>701</sup> *DISCO II*, 12 FCC Rcd at 24161-63 (paras. 154-59); *DISCO II Second Reconsideration Order*, 16 FCC Rcd at 19798-99 (paras. 11-14).

<sup>702</sup> Section VI.D.7. above.

<sup>703</sup> Section VI.C.9. above. *See also* PanAmSat Corporation, Request for Special Temporary Authority to Operate a Space Station at 60° W.L., *Order and Authorization*, 15 FCC Rcd 21802, 21804-05 (para. 11) (Int'l Bur., 1999); Application of Columbia Communications Corporation for Modification of Authorization to Permit Operation of Ku-band Satellite Capacity on the Columbia 515 Satellite Located at 37.7° West Longitude, *Memorandum Opinion and Order*, 16 FCC Rcd 12480, 12486 (para. 16) (Int'l Bur. 2001) (The Commission has often permitted satellite operators to provide service on a temporary basis from orbit locations that are not regularly assigned to them, provided the temporary operations do not adversely impact regularly licensed satellite systems).

<sup>704</sup> *See* KaStarCom World Satellite, LLC, Application for Authority to Construct, Launch, and Operate a Ka-band Satellite System in the Fixed-Satellite Service, *Order and Authorization*, 16 FCC Rcd 14322, 14330 (para. 25) (Int'l Bur. 2001) (*KaStarCom Authorization Order*).

priority satellite, or be subject to further conditions designed to address potential harmful interference to a satellite with ITU date precedence.<sup>705</sup>

297. In summary, we reject Telesat's proposal to consider requests for U.S. market access based only on a showing of ITU date precedence and foreign authorization, because that would not enable us to determine whether the satellite meets our Part 25 technical requirements. Furthermore, nothing in the procedures we adopt today precludes us from considering ITU date precedence issues when reviewing requests from non-U.S.-licensed satellite operators for U.S. market.

### C. Information Requirements of Non-U.S.-Licensed Satellite Operators

#### 1. Information Requirements for Coordinated Non-U.S. Satellites

298. *Background.* Under the *DISCO II* framework, we do not require operators of non-U.S.-licensed satellites to submit technical information concerning the satellite if they have completed international coordination.<sup>706</sup> We did so because we assumed that, through the coordination process, we would have obtained all the information necessary to make a finding as to whether the non-U.S. satellite complies with all Commission technical requirements. In the *Notice*, we noted that it can be very time-consuming or, in some cases, impossible to derive that technical information from international coordination agreements.<sup>707</sup> We also explained that the coordination process may not provide us with *any* technical information in those cases in which we do not need to obtain space station data from the foreign administration because the foreign satellite will not be close enough to any in-orbit or planned U.S. satellites to raise potential interference concerns.<sup>708</sup> We observed, however, that in these cases, we still need to determine whether the foreign space station meets our technical requirements to determine whether allowing the foreign satellite to access the United States could interfere with other countries' compliant satellites that are authorized to serve the United States or with future U.S. satellites that may be authorized at orbit locations adjacent to the foreign satellite.<sup>709</sup> We therefore proposed modifying our rules to require all non-U.S.-licensed space stations seeking initial access to the United States

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<sup>705</sup> New Skies Networks, Inc., *Order*, 18 FCC Rcd 896, 899 (para. 10) (Int'l Bur., Sat. Div., 2003).

<sup>706</sup> 47 C.F.R. § 25.137(b); *DISCO II*, 12 FCC Rcd at 24175-76 (para. 191), cited in *Space Station Reform NPRM*, 17 FCC Rcd at 3891 (para. 130). Specifically, we do not require those satellite operators to provide the information specified in Sections 25.114(c)(5) through (11) and (14). See 47 C.F.R. § 25.137(b).

<sup>707</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3891 (para. 130). We also explained that, when a non-U.S.-licensed satellite operator has relied on a coordination agreement and we cannot determine that a non-U.S.-licensed satellite can operate interference-free in a two-degree-spacing environment, we have required U.S.-licensed earth stations operating with that satellite to do so on a non-harmful interference basis. *Space Station Reform NPRM*, 17 FCC Rcd at 3891 (para. 130), citing Telesat Canada, Request for Declaratory Ruling or Petition for Waiver on Earth Stations' Use of ANIK E1 and ANIK E2 Satellite Capacity to Provide Basic Telecommunications Service in the United States, *Order*, 15 FCC Rcd 3649, 3654 (para. 14) (Int'l Bur., 1999) (*First ANIK E1 and E2 Permitted List Order*).

<sup>708</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3891-92 (para. 131).

<sup>709</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3891-92 (para. 131).

to submit all satellite-related technical information specified in Part 25, regardless of coordination status.<sup>710</sup>

299. *Discussion.* Telesat and Inmarsat oppose the proposal that all non-U.S.-licensed operators submit all satellite-related technical information specified in Part 25, regardless of coordination status.<sup>711</sup> Inmarsat argues that such a requirement would be unduly burdensome, and constitute an additional licensing requirement.<sup>712</sup> Inmarsat alternatively proposes that the Commission obtain required information through the international coordination process.<sup>713</sup> Telesat suggests requiring non-U.S.-licensed satellite operators seeking U.S. market access to provide only the following technical information: (1) evidence of an authorization from the relevant administration; (2) the applicable coordination or notification ITU filing(s); and (3) a listing of the relevant coordination agreements.<sup>714</sup> Finally, Telesat assumes the Commission's proposal may indicate that the Commission plans to "verify" that non-U.S.-licensed satellite operators have coordinated with adjacent satellites, and opposes any such plans that the Commission may have.<sup>715</sup>

300. We conclude that non-U.S.-licensed satellite operators seeking access to the U.S. market should provide the same information as U.S. satellite license applicants, regardless of whether they have completed international coordination. Based on our experience with requests for U.S. market access from non-U.S.-licensed satellite operators, we have found that it is often difficult or impossible to determine whether a non-U.S.-licensed satellite complies with our technical requirements based on international coordination agreements.<sup>716</sup> Furthermore, when a non-U.S.-satellite operator has relied on a coordination agreement and we cannot determine that a non-U.S.-licensed satellite can operate interference-free in a two-degree-spacing environment, we have required U.S.-licensed earth stations operating with that satellite to do so on a non-harmful interference basis.<sup>717</sup> In at least one of those cases, the non-U.S.-licensed satellite operator later provided adequate information to show that its satellites can operate interference-free in a two-degree-spacing environment.<sup>718</sup> Thus, both the foreign operator and Commission staff were forced to expend unnecessary time respectively preparing and processing multiple applications. By revising our rules, we should avoid this in the future.

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<sup>710</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3891-92 (para. 131).

<sup>711</sup> Telesat Comments 6-7; Inmarsat Comments at 13-14.

<sup>712</sup> Inmarsat Comments at 13-14.

<sup>713</sup> Inmarsat Comments at 13-14.

<sup>714</sup> Telesat Comments at 6; Telesat Reply at 3.

<sup>715</sup> Telesat Comments at 7.

<sup>716</sup> *See Space Station Reform NPRM*, 17 FCC Rcd at 3891-92 (para. 131).

<sup>717</sup> *See, e.g., First ANIK E1 and E2 Permitted List Order*, 15 FCC Rcd at 3654 (para. 14).

<sup>718</sup> Telesat Canada, Request to Eliminate Conditions On ANIK E1 and E2's Inclusion on The Permitted Space Station List, *Order*, 16 FCC Rcd 15979 (Sat. and Rad. Div., Int'l Bur., 2001).

301. Neither Telesat nor Inmarsat persuade us to take a different approach. To the extent that they recommend continuing to extract the necessary technical information from coordination agreements, neither commenter addresses our experience that this procedure can delay granting U.S. market access to non-U.S.-licensed satellite operators while we attempt to cull relevant information from the agreements, or that doing so will even provide us with all the information we need to make a determination as to whether the non-U.S. satellite complies with our technical rules.<sup>719</sup> To the extent that they maintain that requiring Part 25 technical information constitutes a U.S. licensing requirement, we have previously considered and rejected these arguments.<sup>720</sup>

302. Finally, we have no plans or intent to use the technical information provided by non-U.S.-licensed satellite operators to verify international coordination agreements. Rather, we will use this information to determine whether the satellite complies with the technical requirements of Part 25. This is the same review we conduct when a U.S.-licensed satellite operator seeks authority to provide satellite service in the U.S. market.

## 2. Amendments of Letters of Intent

303. *Background.* With respect to non-U.S.-licensed satellite operators that wish to amend a proposal for a satellite system described in a Letter of Intent, the Commission proposed requiring an additional Letter of Intent describing the changes.<sup>721</sup> We also proposed treating such letters as we would treat amendments filed by a U.S. satellite applicant. In other words, if the planned changes constitute a "major amendment," the non-U.S. satellite operator would lose its status relative to later-filed applications.<sup>722</sup> We also invited comment on the effects, if any, of the process for filing modifications of ITU filings on our proposal for amendments of Letters of Intent.<sup>723</sup>

304. *Discussion.* Telesat supports the proposal to treat amendments to Letters of Intent in the same way as amendments filed by a U.S. applicant.<sup>724</sup> We find that doing so will place non-U.S.-licensed satellite operators on an equal footing relative to U.S. satellite license applicants. We therefore adopt the proposal and will revise Section 25.137 accordingly.

305. Telesat further argues that amendments of Letters of Intent should be consistent with and contingent upon modifications of the relevant ITU filing.<sup>725</sup> Telesat also maintains that some ITU filings may not affect the service the satellite operator plans to offer in the United States. We agree. Just as U.S. license applicants are required to ensure that the information in

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<sup>719</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3891-92 (para. 131).

<sup>720</sup> *DISCO II*, 12 FCC Rcd at 24175 (para. 190) (Part 25 information requirements do not constitute a licensing requirement).

<sup>721</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3894 (para. 137).

<sup>722</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3894 (para. 137). *See also* Section VI.E.3. above (treatment of major amendments in first-come, first-served procedure).

<sup>723</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3894 (para. 137).

<sup>724</sup> Telesat Comments at 8.

<sup>725</sup> Telesat Comments at 8.

pending satellite applications is current and complete,<sup>726</sup> non-U.S.-licensed satellite operators should also ensure that the information in pending Letters of Intent is current and complete. This includes ensuring that the information in the Letter of Intent is consistent with that on file with the ITU. We will revise Section 25.137 accordingly. Nothing in the record suggests that any other revisions to Section 25.137 are necessary to reflect ITU filing amendment procedures.

#### D. Financial Qualifications of Non-U.S.-Licensed Satellite Operators

##### 1. Eliminating the Financial Qualification Requirement

306. *Background.* Currently, non-U.S.-licensed satellite operators who have not launched their satellites must meet our financial qualification rules when requesting access to the U.S. market.<sup>727</sup> In the *Notice*, however, we proposed to eliminate the financial qualification rules for both U.S.-licensed satellites and, similarly, for non-U.S.-licensed satellites seeking to access the U.S. market.<sup>728</sup>

307. *Discussion.* Telesat supports the proposal to eliminate financial qualifications for non-U.S.-licensed satellites, consistent with any decision to eliminate the requirement for U.S.-licensed satellites.<sup>729</sup> We have eliminated the financial requirement for U.S.-licensed space station applicants in this Order.<sup>730</sup> We eliminate this requirement, as well, for non-U.S.-licensed space stations.

##### 2. Posting of Bonds

308. In the *Notice*, the Commission proposed to modify the procedures applicable to operators of non-U.S.-licensed satellites seeking access to the U.S. market, to make them consistent with any revisions to the procedures for U.S.-licensed satellites that the Commission might adopt in this proceeding.<sup>731</sup> Such provisions are consistent with our WTO commitments to treat non-U.S.-licensed satellite operators no less favorably than we treat U.S. satellite operators.<sup>732</sup> The policy concern underlying our decision to require licensees to post bonds, discouraging speculative satellite applications, also applies to requests for access to the U.S. market. In other words, when a satellite operator seeks a license for speculative purposes rather than to construct a satellite system, it creates a risk that the spectrum assigned through the license

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<sup>726</sup> 47 C.F.R. § 1.65.

<sup>727</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3891 (para. 129), citing 47 C.F.R. § 25.137(b); *DISCO II*, 12 FCC Rcd at 24175-76 (para. 191). This information requirement does not apply to non-U.S.-licensed satellite operators seeking access to the U.S. market with an in-orbit satellite.

<sup>728</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3891 (para. 129).

<sup>729</sup> Telesat Comments at 5.

<sup>730</sup> Section VII.B.

<sup>731</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3890 (para. 125).

<sup>732</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3890 (para. 127).

would not be put to any use until after the license were sold.<sup>733</sup> This potential for warehousing exists regardless of whether the satellite operator has a U.S. license or a non-U.S. license.

309. Therefore, non-U.S.-licensed satellite operators filing letters of intent to request U.S.-market access with a satellite that is not in orbit and operating also be required to post a bond in the amount of \$7.5 million (U.S.) for NGSO-like satellite systems, or \$5 million for GSO-like satellites, at the time they are granted access to the U.S. market. This bond will be payable if a non-U.S.-licensed satellite operator misses a milestone, and the operator will be allowed to reduce the bond amount, as are U.S. licensees, at the time it meets each milestone. We will also consider waivers of the bond requirement to the same extent that we consider waiver requests of U.S. licensees. We will not require non-U.S.-licensed satellite operators to post bonds if they request U.S. market access with an in-orbit satellite, because such operators are generally ready to begin offering service immediately, and such a request could not be speculative in those circumstances.

#### **E. Milestone Requirements of Non-U.S.-Licensed Satellite Operators**

310. *Background.* We proposed requiring non-U.S.-licensed satellite operators to meet all milestone requirements we adopt for U.S.-licensed satellite operators in this proceeding.<sup>734</sup>

311. *Discussion.* Telesat agrees that milestone requirements should apply to U.S.-licensed and non-U.S.-licensed satellites alike.<sup>735</sup> We will require non-U.S.-licensed satellite operators to meet the same milestone requirements we adopt in this Order for U.S. licensees.<sup>736</sup> This is consistent with our current policy.<sup>737</sup>

312. Telesat also notes that non-U.S.-licensed satellites are bound by ITU bringing-into-use requirements.<sup>738</sup> U.S. satellite operators are also bound by ITU bringing-into-use requirements, and so Telesat's observation does not warrant any revision to our procedures for requesting access to the U.S. market. In the event that a U.S. licensee's ITU bringing-into-use date occurred before its launch milestone, it would be required to launch its satellite within the ITU date, or it would lose its ITU date precedence. If the licensee loses its ITU date precedence, it would be free to submit a new ITU filing and continue construction of its satellite if it so desired. If a non-U.S.-licensed satellite operator were in this situation, its licensing Administration has discretion to decide whether to allow its licensee to submit a new ITU filing.

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<sup>733</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3884 (para. 110).

<sup>734</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3891 (para. 129), citing Pacific Century Group, Inc., Letter of Intent as a Foreign Satellite Operator to Provide Fixed Satellite Services in the Ka-band in the United States, *Order*, 16 FCC Rcd 14356, 14364 (paras. 25-26) (Int'l Bur., 2001) (*PCG Ka-band Licensing Order*) (requiring non-U.S. satellite operator filing a Letter of Intent in a processing round to meet same milestones as U.S. participants in the processing round).

<sup>735</sup> Telesat Comments at 5.

<sup>736</sup> Section VII.C.

<sup>737</sup> *PCG Ka-band Licensing Order*, 16 FCC Rcd at 14364 (paras. 25-26).

<sup>738</sup> Telesat Comments at 5.



## F. Safeguards Against Speculation

313. Above, we adopted limits on the number of pending applications and unbuilt satellites for U.S. satellite licensees.<sup>739</sup> To make the procedures for U.S. and non-U.S. satellite operators consistent, and to discourage non-U.S. satellite operators from speculating in the U.S. market, we extend those limits to requests by non-U.S.-licensed satellite operators for U.S. market access. In other words, if a non-U.S.-licensed satellite operator files a Letter of Intent, and obtains a reservation of spectrum for a satellite to enter the U.S. market with a satellite that has not been built yet, that unbuilt satellite will be counted against that satellite operator. We will also apply the rule of attribution to non-U.S. satellite operators. If a non-U.S. satellite operator has more than a 33 percent interest in another entity with satellite applications pending before the Commission, that other entity's requests will be included in the limits.

## G. Mandatory Electronic Filing for Non-U.S.-Licensed Satellite Operators

314. In the *Notice*, the Commission proposed requiring non-U.S.-licensed satellite operators seeking access to the U.S. market to submit their requests electronically, in the event that we adopt a mandatory electronic filing requirement for U.S. satellite applicants.<sup>740</sup> Telesat supports a mandated electronic filing requirement.<sup>741</sup> We adopt our proposal, so that our treatment of non-U.S.-licensed satellite operators is consistent with our treatment of U.S.-licensed satellite operators.<sup>742</sup>

## H. Procedures for Modifications of Permitted List Satellite Parameters

### 1. Background

315. One of the procedures adopted in *DISCO II* for non-U.S.-licensed satellite operators seeking access to the U.S. market was to require the satellite operator to file a new earth station application identifying the non-U.S.-licensed satellite as a point of communication, or to ask a U.S. earth station operator to modify its license to add the non-U.S.-licensed satellite as a point of communication.<sup>743</sup> In the *DISCO II First Reconsideration Order*, the Commission streamlined this process in two ways. First, it allowed the operators of in-orbit non-U.S.-licensed satellites offering fixed-satellite service to request authority to provide space segment capacity service to U.S.-licensed earth stations in the United States. Under *DISCO II*, this request could be made only by an earth station operator. Second, it created the Permitted Space Station List (Permitted List) to facilitate access by the foreign satellite. Once a non-U.S.-licensed space station is permitted to access the U.S. market pursuant to a complete *DISCO II* analysis, it is placed on the

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<sup>739</sup> Section VII.E.3.

<sup>740</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3891 (para. 128).

<sup>741</sup> Telesat Comments at 5.

<sup>742</sup> The Commission also invited comment on requiring non-U.S.-licensed satellite operators to submit requests for U.S. market access on Schedule S. *Space Station Reform NPRM*, 17 FCC Rcd at 3890 (para. 127). We defer this issue to a future Order. We will also consider Telesat's proposal for "validation software" in that Order. See Telesat Comments at 5.

<sup>743</sup> *DISCO II*, 12 FCC Rcd at 24174 (para. 186). See also *Space Station Reform NPRM*, 17 FCC Rcd at 3892 (para. 132).

Permitted List upon the applicant's request. This list includes all satellites with which U.S. earth stations with routinely-authorized technical parameters in the conventional C- and Ku-band (known as "ALSAT" earth stations) are permitted to communicate without additional Commission action, provided that those communications fall within the same technical parameters and conditions established in the earth stations' original licenses.<sup>744</sup> The Permitted List is maintained on our website, and is also available via fax or e-mail.<sup>745</sup>

316. In the *Notice*, we pointed out that we have received a number of requests from non-U.S.-licensed satellite operators to reflect changes in the operating parameters of satellites on the Permitted List.<sup>746</sup> Some of these revisions would require a license modification if the satellite were licensed in the United States.<sup>747</sup> We have also received a request to place a replacement satellite on the Permitted List,<sup>748</sup> and to reflect a transfer of control of the satellite on the Permitted List.<sup>749</sup> Accordingly, in the *Notice*, we proposed procedures to address revisions satellites on the Permitted List.<sup>750</sup> We address each of these proposals below.

## 2. Permitted List Satellite Modifications

317. *Background.* We pointed out in the *Notice* that placing a satellite on the Permitted List has the legal effect of modifying all ALSAT-designated earth station licenses so that those earth stations are authorized to communicate with that satellite at that orbit location under the

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<sup>744</sup> *DISCO II First Reconsideration Order*, 15 FCC Rcd at 7214-16 (paras. 16-20). "ALSAT" means "all U.S.-licensed space stations." Originally, under an ALSAT earth station license, an earth station operator providing fixed-satellite service in the conventional C- and Ku-bands could access any U.S. satellite without additional Commission action, provided that those communications fall within the same technical parameters and conditions established in the earth stations' licenses. See *DISCO II First Reconsideration Order*, 15 FCC Rcd at 7210-11 (para. 6). The *DISCO II First Reconsideration Order* expanded ALSAT earth station licenses to permit access to any satellite on the Permitted List. *DISCO II First Reconsideration Order*, 15 FCC Rcd at 7215-16 (para. 19).

<sup>745</sup> *DISCO II First Reconsideration Order*, 15 FCC Rcd at 7215-16 (para. 19).

<sup>746</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893 (para. 133).

<sup>747</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893 (para. 133), citing Telesat Canada, Petition for Declaratory Ruling For Inclusion of ANIK F1 on the Permitted Space Station List, *Order*, 15 FCC Rcd 24828 (Int'l. Bur., 2000) (*ANIK F1 Permitted List Order*).

<sup>748</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893 (para. 133), citing European Telecommunication Satellite Organization (EUTELSAT); Petitions for Declaratory Ruling To Add EUTELSAT Satellites ATLANTIC BIRD™ 1 at 12.5° W.L and ATLANTIC BIRD™ 2 at 8° W.L to the Commission's Permitted Space Station List, *Order*, 16 FCC Rcd 15961 (Int'l Bur., Sat. and Rad. Div., 2001).

<sup>749</sup> On March 1, 2001, Empresa Brasileira de Telecomunicações S.A. filed a letter with the Commission indicating that 19.9 percent of its company had been purchased by Societe Europeenne des Satellites S.A., and the company was renamed "STAR ONE S.A." See *Space Station Reform NPRM*, 17 FCC Rcd at 3893 (para. 133), citing Satellite Policy Branch Information, *Public Notice*, Report No. SAT-00076 (released July 20, 2001).

<sup>750</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893 (para. 133).

terms and conditions on the Permitted List and in the earth station licenses.<sup>751</sup> We explained further that, if a Permitted List satellite operator relocates its satellite to a new orbital location, it must request a revision of its Permitted List entry to enable ALSAT earth stations to continue communicating with that satellite after the relocation.<sup>752</sup> Furthermore, we must be able to determine that operation of the satellite at the new location would not cause harmful interference to other satellite systems after the relocation.<sup>753</sup>

318. Therefore, we invited comment on a procedure for cases in which a non-U.S.-licensed satellite operator plans to modify its operations in a way that would require prior Commission authorization in the case of a U.S.-licensed satellite operator.<sup>754</sup> Specifically, we proposed requiring the non-U.S.-licensed satellite operator to file a petition for declaratory ruling that would supply the information required of U.S. satellite operators seeking license modifications.<sup>755</sup> In other words, the non-U.S.-licensed satellite operator would be required to provide the same information as required in a new space station application, but only those items of information that change need to be submitted, provided the applicant certifies that the remaining information has not changed.<sup>756</sup>

319. *Discussion.* Telesat opposes requiring that non-U.S.-licensed satellite operators modifying their operations file the relevant changes in technical information.<sup>757</sup> Rather, Telesat proposes that the Commission simply require the applicant to amend the authorization with an attestation that the modification has been carried out in accordance with the appropriate coordination process with the adjacent operators.<sup>758</sup>

320. We conclude that we must consider the revised technical parameters in order to determine whether the changes to the non-U.S.-licensed satellite will affect the operations of other satellites authorized to serve the United States. We require U.S.-licensed operators to provide this information for this reason. Moreover, merely requiring non-U.S.-licensed space station operators to attest that they have completed coordination may not be sufficient in all cases to determine whether the satellite as modified will comply with the technical requirements of Part 25. Accordingly, we will revise Section 25.137 to require non-U.S.-licensed satellite operators modifying their operations to provide the same information as required in a new space station

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<sup>751</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3894 (para. 137).

<sup>752</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893 (para. 134).

<sup>753</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893 (para. 134).

<sup>754</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893 (para. 134).

<sup>755</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893 (para. 134).

<sup>756</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893 (para. 134), citing 47 C.F.R. § 25.117(d).

<sup>757</sup> Telesat Comments at 7.

<sup>758</sup> Telesat Comments at 7.

application, but only those items of information that change need to be submitted, provided the applicant certifies that the remaining information has not changed.<sup>759</sup>

### 3. Replacements of Permitted List Satellites

321. *Background.* In the *Notice*, we proposed a procedure for replacements of non-U.S.-licensed satellites on the Permitted List that is similar to our proposal for U.S. replacement satellite applications.<sup>760</sup> Specifically, if the non-U.S.-licensed satellite operator's orbit location remains available for a satellite licensed by the same Administration that licensed the currently operating satellite, and the proposed replacement satellite will have the same technical characteristics as the currently operating satellite, we would allow this satellite to access the United States.<sup>761</sup> If the petition for declaratory ruling seeking to put the replacement satellite on the Permitted List is unopposed, we proposed applying the same procedure we adopt for U.S. replacement satellites.<sup>762</sup>

322. *Discussion.* Telesat supports streamlining the procedures for non-U.S.-licensed replacement satellites, and it specifically supports the "grant-stamp" approach.<sup>763</sup> Telesat encourages the Commission to apply the grant-stamp approach regardless of whether the technical characteristics of the replacement satellite are the same as those of the currently-operating satellite.<sup>764</sup> Also, Telesat argues that the Commission need not wait until the satellite is in orbit to place the replacement satellite on the Permitted list.<sup>765</sup>

323. We adopt our proposed procedure for considering placement of non-U.S.-licensed replacement satellites on the Permitted List. This is substantially similar to the procedure for replacements of U.S.-licensed satellites we adopt in this Order.<sup>766</sup> We will revise Section 25.137 accordingly.

324. We afford non-U.S.-licensed satellites the same replacement expectancy as we do U.S.-licensed satellites. That is, we will permit the proposed replacement satellite to access the U.S. market provided that the location remains available to a satellite authorized by the Administration that authorized the existing satellite, and the technical characteristics of the proposed replacement allow it to be assigned to the location. We note that operators of non-U.S.-

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<sup>759</sup> In a future Order, we will consider proposals for a streamlined procedure for some space station modification requests. In the event we adopt any of those proposals, we will also determine at that time how best to extend that procedure to non-U.S.-licensed satellite operators.

<sup>760</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893-94 (para. 135).

<sup>761</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893-94 (para. 135).

<sup>762</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3893-94 (para. 135).

<sup>763</sup> Telesat Comments at 7-8.

<sup>764</sup> Telesat Comments at 7-8.

<sup>765</sup> Telesat Comments at 7-8.

<sup>766</sup> Section VII.G.

licensed satellites that do not meet these criteria may still request access to the U.S. market through the standard *DISCO II* framework.

325. Finally, contrary to Telesat's assertion otherwise, we do not require satellites to be in orbit before placing them on the Permitted List. We require that all non-U.S.-licensed satellites, including replacements, be licensed by the host Administration before they are placed on the Permitted List, but we do not require that the satellite be in orbit.

#### 4. Changes of Ownership of Satellites on the Permitted List

326. *Background.* The Commission proposed a very simple procedure for considering changes in ownership of non-U.S.-licensed satellites on the Permitted List.<sup>767</sup> We proposed issuing a public notice announcing that the transaction has taken place, and inviting comment on whether the transaction affects any of the considerations made when the original satellite operator was allowed to enter the U.S. market.<sup>768</sup> We would review any comments filed, and determine whether any commenter raised any concern that would warrant precluding the new operator from entering the U.S. market, including concerns relating to national security, law enforcement, foreign policy, or trade issues.<sup>769</sup> In addition, if control of the satellite were transferred to a non-WTO-country-based operator, we invited comment on whether we should require the purchaser to meet the ECO-Sat test.<sup>770</sup>

327. *Discussion.* Telesat supports our proposed procedure for changes in ownership of non-U.S.-licensed satellites on the Permitted List.<sup>771</sup> We adopt our proposed procedure for considering transfers of control of non-U.S.-licensed satellites on the Permitted List, which provides a reasonable framework for considering any issues that might be raised by such a transfer. Furthermore, none of the commenters in this proceeding have recommended any other procedure. We will revise Section 25.137 accordingly. Permitted List satellites that have been transferred to new owners may continue to provide service in the United States unless and until the Commission determines otherwise.

#### 5. Procedures for Non-U.S.-Licensed Satellites That Are Not on the Permitted List

328. *Background.* We observed in the *Notice* that non-U.S.-licensed satellite operators do not need to place their satellites on the Permitted List to gain access to the U.S. market. They can also gain access by being added as a point of communication to one or more U.S. earth

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<sup>767</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3894 (para. 136). The considerations we weigh when reviewing requests for U.S. market access include the effect on competition in the United States, spectrum availability, eligibility and operating (e.g., technical) requirements, and national security, law enforcement, foreign policy, and trade concerns. *DISCO II*, 12 FCC Rcd at 24107-24172 (paras. 30-182).

<sup>768</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3894 (para. 136).

<sup>769</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3894 (para. 136), citing *DISCO II*, 12 FCC Rcd at 24170-72 (paras. 178-82).

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<sup>770</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3894 (para. 136).

<sup>771</sup> Telesat Comments at 8.

station licenses.<sup>772</sup> This procedure is available for all non-U.S.-licensed satellites, not just conventional C-band and Ku-band satellites. We did not propose any new procedures for modifying such satellites. Instead, we proposed continuing to rely on our existing procedures for earth station modification procedures.<sup>773</sup>

329. *Discussion.* No one commented on this issue. We conclude that our existing procedure for earth station license modification provides a sufficient means for reflecting modifications of non-U.S.-licensed space station operations. In addition, the earth station license modification procedure is very important in cases in which the non-U.S.-licensed satellite operator plans to operate in the extended C-band or extended Ku-band, because those operations often require coordination with terrestrial service providers and other service providers. Accordingly, as we proposed in the *Notice*, we will not adopt any revisions to that procedure at this time.

## IX. CONCLUSION

330. In this Order, we adopt substantial improvements to our satellite licensing procedures. For NGSO-like satellite system applications, we will continue to use processing rounds, and divide the available spectrum evenly among the qualified applicants in the processing round. For GSO-like satellite applications, we replace processing rounds with a first-come, first-served procedure. In both procedures, we adopt safeguards to limit speculative or frivolous applications. To help implement these procedures, we eliminate the anti-trafficking rule for satellites. In addition, eliminating the anti-trafficking rules yields other significant public interest benefits, such as expediting the transfer of licenses to entities that are more likely to provide service to the public in a timely manner. We also strengthen our milestone requirements, to expedite reassignment of satellite licenses in cases where a licensee is unable or unwilling to construct its satellite system. We also streamline the satellite licensing process, by replacing the requirement to provide financial information with a bond requirement, and by creating a new procedure for replacement satellite applications. Finally, we revise the framework for considering requests from non-U.S.-licensed satellite operators for access to the U.S. market.

331. All the procedural revisions we adopt today will greatly benefit both satellite service customers and satellite operators, because the new procedures will enable the Commission to issue satellite licenses significantly more quickly than was possible in the past. Expediting licensing procedures will lead to greater choice among satellite service providers. It will also allow satellite operators to begin operating much sooner than is often possible under our current satellite licensing procedures. Moreover, allowing negotiations to take place after licenses are issued should allow market forces to drive the business discussions with a minimum of Commission involvement.

332. In addition, strengthening milestone requirements will reduce the time scarce orbit and spectrum resources lie fallow. Thus, our procedures will allow more efficient use of that resource. More importantly, orbit and spectrum assignments will be based more on market forces and less on the Commission's administrative procedures, which in turn will result in more efficient orbit and spectrum assignments.

## X. FURTHER NOTICE OF PROPOSED RULEMAKING: BOND ISSUES

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<sup>772</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3894 (para. 138).

<sup>773</sup> *Space Station Reform NPRM*, 17 FCC Rcd at 3894 (para. 138).

333. In the *First Report and Order* in this proceeding, the Commission required satellite licensees to post a bond, payable upon failure to meet a milestone, and without facing circumstances outside the licensee's control that warrant extension of the milestone.<sup>774</sup> We base this requirement on Intelsat's proposed bond requirement.<sup>775</sup> The purpose of this bond requirement is to create a disincentive for parties to apply for satellite licenses for speculative reasons. On an interim basis, we adopted a bond amount of \$5 million for GSO-like licenses, and \$7.5 million for NGSO-like licenses.

334. Here, we seek comment on some of the details of the bond requirement. First, we invite comment on the appropriate bond amount. This amount should be high enough to deter speculative applications, without discouraging new or innovative satellite applications. It is unlikely that we would find that bonds less than the interim amounts we adopted in the *First Report and Order* above would be sufficient to deter speculation, unless a commenter provides a convincing showing to the contrary. Intelsat proposed \$10 million for all satellite applications. Commenters advocating a different amount should recommend a specific dollar amount, and explain in detail why they believe that the amount they recommend will deter speculation without discouraging new or innovative satellite applications. In particular, parties contending that a \$10 million bond requirement would discourage new or innovative satellite applications should explain why, in detail.

335. Second, we invite comment on whether we should allow licensees to establish an escrow account, as an alternative to posting a bond. In the *Private Paging Exclusivity Order*, on which we in part base the bond requirement, the Commission gave licensees the option of posting a performance bond or establishing an escrow account.<sup>776</sup> We seek comment on whether to give satellite licensees this option as well. If we were to adopt an escrow account option, licensees selecting that option would be required to establish an escrow account equal to the final bond amount adopted by the Commission. Licensees would be required to turn over the escrow account to the U.S. Treasury upon missing a milestone without an adequate basis for extending the milestone. They would also be permitted to withdraw interest from the account at any time, and withdraw principle upon meeting each milestone, just as licensees posting bonds may reduce the amount of the bond. Parties supporting this option must explain how an escrow account will discourage speculative satellite applications.

336. Finally, we invite comment on revising the bond requirements applicable to non-U.S.-licensed satellite operators seeking access to the U.S. market, to be consistent with any other revisions to the bond requirement the Commission adopts in this proceeding.

## XI. PROCEDURAL MATTERS

337. *Final Regulatory Flexibility Analysis*. As required by the Regulatory Flexibility Act (RFA),<sup>777</sup> an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the

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<sup>774</sup> Section VII.C.10.

<sup>775</sup> Intelsat Comments at 10-12.

<sup>776</sup> *Private Paging Exclusivity Order*, 8 FCC Rcd at 8326.

<sup>777</sup> See 5 U.S.C. §603.

*Notice.*<sup>778</sup> The Commission sought written public comments on the possible significant economic impact of the proposed policies and rules on small entities in the *Notice*, including comments on the IRFA. No one commented specifically on the IRFA. Pursuant to the RFA,<sup>779</sup> a Final Regulatory Flexibility Analysis is contained in Appendix D.

338. *Initial Regulatory Flexibility Analysis.* Appendix E to this document contains the analysis required for the proposals in this *Notice of Proposed Rulemaking* by the Regulatory Flexibility Act of 1980, *see* 5 U.S.C. § 603.

339. *Paperwork Reduction Act Analysis.* Except for the information collections associated with the contract execution and CDR milestones, and the bond requirement, the actions contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose new or modified reporting and recordkeeping requirements or burdens on the public. Approval of the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act has been obtained for many of those requirements. (OMB Control Nos. 3060-0678, 3060-1007 and 3060-1013).

340. This Order contains new and modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection(s) contained in this proceeding. Implementation of these new or modified reporting and/or recordkeeping requirements will be subject to approval by the OMB, as prescribed by the Act, and will go into effect upon announcement in the Federal Register of OMB approval.

341. *Ex Parte Presentations.* This is a permit-but-disclose rulemaking proceeding. *Ex parte* presentations are permitted, provided they are disclosed as provided in Sections 1.1202, 1.1203, and 1.1206(a) of the Commission's Rules, 47 C.F.R. Sections 1.1202, 1.1203, and 1.1206(a).

342. *Comment.* Pursuant to Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. Sections 1.415 and 1.419, interested parties may file comments on or before 30 days following publication in the Federal Register, and reply comments on or before 60 days following publication in the Federal Register. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998).

343. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to

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<sup>778</sup>*Space Station Reform NPRM*, 17 FCC Rcd at 3915-17 (App. D).<sup>779</sup>*See* 5 U.S.C. §604.



[ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply.

344. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, The Portals, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.

345. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to: Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, The Portals, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554. Such a submission should be on a 3.5-inch diskette formatted in an IBM compatible format using Word for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labeled with the commenter's name, the docket number of this proceeding, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy - Not an Original." Each diskette should contain only one party's pleading, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554.

346. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0531 (voice), 202-418-7365 (tty).

347. *Additional Information.* For general information concerning this rulemaking proceeding, contact Steven Spaeth, International Bureau, at (202) 418-1539, International Bureau; Federal Communications Commission, Washington, D.C. 20554.

## XII. ORDERING CLAUSES

348. Accordingly, IT IS ORDERED, pursuant to Sections 1, 2, 4(i), 4(j), 7(a), 11, 301, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 157(a), 161, 301, 303(c), 303(f), 303(g), 303(r), that this First Report and Order in IB Docket Nos. 02-34 and 02-54 is hereby ADOPTED.

349. IT IS FURTHER ORDERED that Part 1 and Part 25 of the Commission's rules ARE AMENDED as set forth in Appendix B.

350. IT IS FURTHER ORDERED that the provisions of this First Report and Order in IB Docket Nos. 02-34 and 02-54, other than the adoption of Sections 25.137(d)(4), 25.149, 25.164(c), 25.164(d), and 25.164(e), will be effective upon publication of a summary of this First Report and Order in IB Docket Nos. 02-34 and 02-54 in the Federal Register.

351. ~~IT IS FURTHER ORDERED that Sections 25.137(d)(4), 25.149, 25.164(c), 25.164(d), and 25.164(e), as adopted in this First Report and Order and set forth in Appendix B, will be effective 60 days after publication of a summary of this First Report and Order in IB~~

Docket Nos. 02-34 and 02-54 in the Federal Register, pending approval by the Office of Management and Budget.

352. IT IS FURTHER ORDERED that, effective upon the adoption date of this First Report and Order in IB Docket Nos. 02-34 and 02-54, no applications for space station licenses for any satellite service addressed in this First Report and Order will be accepted for filing. This freeze will continue until the rule revisions adopted in this First Report and Order in IB Docket Nos. 02-34 and 02-54, other than the adoption of Sections 25.137(d)(4), 25.149, 25.164(c), 25.164(d), and 25.164(e), take effect.


353. IT IS FURTHER ORDERED that the license term of each space station license issued on or before April 17, 2002, and in effect on the release date of this Order, IS HEREBY EXTENDED to 15 years, starting on the date the licensee certified to the Commission that the space station was successfully placed in orbit and its operations fully conform to the terms and conditions of its authorization.

354. IT IS FURTHER ORDERED that the Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this First Report and Order in IB Docket Nos. 02-34 and 02-54, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

355. Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 157(a), 303(c), 303(f), 303(g), 303(r), that this Further Notice of Proposed Rulemaking in IB Docket No. 02-34 is hereby ADOPTED.

356. IT IS FURTHER ORDERED that the Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this Further Notice of Proposed Rulemaking in IB Docket No. 02-34, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

  
Marlene H. Dortch  
Secretary